(6) தகவல் கோரல்—உயர் நீதிமன்றத்தின் நோட்டீஸ்படி பேரவைத் துணைத்தலைவர் அங்கு சென்று தம் கருத்துக்களைத் தெரிவிப்பது குறித்து.

DR. H. V. HANDE : Sir, Article 212, sub-clause (2) says as follows :—

"No Officer or member of the Legislature of a State in whom powers are vested by or under the Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers."

Under that sub-clause (2) the Hon. Deputy Speaker, who has been called to appear before the High Court, has declined to appear before that Court. At the same time I would like to invite your attention to sub-clause (1) of Article 212. It says :—

"(1) The validity of any proceedings in a Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure."

But the proceeding of this House has been called in question in that Court. The High Court has also admitted the writ with regard to proceedings of this House. Once the High Court has admitted the writ petition, will it not be advisable for you, Sir, to go before the Court, appear before them and withstand or be prepared to give your comments? I am only seeking your clarification.

THIRU M. A. LATHEEF : A very substantial question of law . . .

MR. DEPUTY SPEAKER : I would like to invite your attention to Article 211 which says :—

'No discussion shall take place in the Legislature of a State with respect to the conduct of any judge of the Supreme Court or of a High Court in the discharge of his duties.'

THIRU M. A. LATHEEF : Regarding myself I am well aware of Article 211. I do submit that Dr. Hande has raised a substantial question of law. Particularly this question has been raised and you have given your observation about the jurisdiction of the Court in summoning the Presiding Officer of the House to appear

before the Court or submit himself to some judicial proceedings before the Court.

With regard to the implications of clause 1 and clause 2 of Article 212, I differ from the expression of opinion of Dr. Hande. Of course, Dr. Hande has not given a definite opinion, but he has raised certain doubts and it is my duty as a member of this House to bring to the notice of the Chair and members of this House the position as I understand it.

Now, clause 1 of Art. 212 clearly states that the validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure. Clause 2 of the Article says that no officer or member of the Legislature of a State in whom powers are vested by or under the Constitution for regulating procedure or the conduct of business or for maintaining order in the Legislature, shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

With regard to the incidents or happenings, though the proceedings were duly conducted by you, Sir, after the legal removal of the then Speaker on the 2nd of this month . . .

Mr. DEPUTY SPEAKER : Mr. Latheef, be brief.

Thiru M. A. LATHEEF : I am not going into the discussion. Now the point at issue is this . . .

Mr. DEPUTY SPEAKER : I am afraid I am too liberal and so many precedents are created in this House. This morning I have announced my decision that I am not going to the Court. The High Court itself had been very careful in sending the summons to the Secretary to be placed before me. The intention of the High Court is to ask the Hon. Deputy Speaker to give an affidavit or appear through his lawyer. I have clearly stated my position and there is a precedent. Dr. Krishna Rao when he was the Presiding Officer here, refused to appear before the Court and refused to oblige the orders of the Court. It is clearly stated in Art. 212 of the Constitution that the proceedings of this House shall not be called in question in the High Court. What Dr. Hande raised was whether it was proper with reference to clause 1 it should be raised . . .

DR. H. V. HANDE : What I said was this. Even though there was clause (1) of Article 212, in spite of that, the Court has admitted the petition of Mr. Mathialagan. Therefore. . .

MR. DEPUTY SPEAKER : No, no. It is a very delicate matter. If you proceed, it will create a discussion and there will be opinions and counter-opinions. And there is Article 211 and that will create a more delicate situation. Therefore, I would like Hon. Members not to proceed further and close this matter with these observations.

மாண்புமிகு பேரவைத் துணைத்தலைவர் : பேரவையின் நிகழ்ச்சிகள் இன்று இந்த அளவில் முடிவடைகின்றன, பேரவை நாளைக் காலை 9 மணியளவில் மீண்டும் கூடும்.

பின்னர் பேரவை முற்பகல் 11-24-க்கு ஒத்தி வைக்கப்பட்டது.

(7) பேரவை முன் வைக்கப்பட்ட ஏடுகள்.

A. Statutory Rules and Orders

' Nil. '

B. Reports, Notification and Other Papers.

30. Notification issued with G.O. Ms. No. 2823, Revenue, dated the 28th October 1972, in regard to remission of stamp duty chargeable under the Indian Stamp Act, 1899 (Central Act II of 1899) in respect of the bonds to be issued in connection with the floating of an open market loan by the Madras Port Trust.

@ 31. The Tamil Nadu Betting Tax (Second Amendment) Bill, 1972 (L.A. Bill No. 50 of 1972).

@ 32. Annexure to the Mettur Township, Courtallam Township and Bhavanisagar Township (Amendment) Bill, 1972 (L.A. Bill No. 49 of 1972).

@Despatched to Members on 11th December 1972.